

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

J & J SPORTS PRODUCTIONS,

No. C 10-04206 CRB

Plaintiff,

**ORDER RE FEES AND COSTS**

v.


JOSEPH MARTIN COYNE,

Defendant.

Plaintiff has moved for attorneys' fees and costs arising out of this litigation. Under 47 U.S.C. § 553(c)(2)(C), "[t]he court may – direct the recovery of full costs, including awarding reasonable attorneys' fees to an aggrieved party who prevails." (emphasis added). The Court declines to award fees in this case, finding defense counsel's actions, while unsuccessful, not undertaken in bad faith. Given the small damage award, the Court finds fees inappropriate, and DENIES the motion with respect to fees. The Court GRANTS the Motion with respect to costs, and ORDERS the award of costs in the amount of \$2,051.51.

**IT IS SO ORDERED.**

Dated: April 4, 2012

  
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CHARLES R. BREYER  
UNITED STATES DISTRICT JUDGE